HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3506 OF 1998

Between:

Damodarlal Sukhen

.....Petitioner

AND

The Government of India,
Rep., by its Secretary,
Food and Agriculture Department,
Sastri Bhavan, New Delhi
and another

.....Respondents

::ORDER::

Counsel for the petitioner : Shri Koka Raghava Rao,
Senior Advocate assisted by
Shri T. Srinivas

October 29, 2007

Per G.S.Singhvi, CJ

In this petition filed under Article 226 of the Constitution of India, the petitioner has made the following prayer:

> "It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate order, direction or a writ particularly one in the nature of writ of Mandamus directing the respondents to take stern action to prevent the sale of damaged, applied, out dated oil seeds, food grains, seeds and goods products to the persons dealing in food products and manufacturers of articles for human consumption and organize the sale of such items only for the manufacturers of Cattle feed, poultry feed or manures and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

After arguing the case for sometime, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to file complaint under the Food Safety and Standards Act, 2006 against the use of sub-standard food grains, seeds etc., for manufacture of food items meant for human consumption.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to dismissal of the writ petition as withdrawn, WPMP Nos.4174 of 1998 and 3726 of 2003 are also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

October 29, 2007
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